



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**ADVANCE COPY BY FACSIMILE**

**DEC 31 2009**

Mr. William J. McGinley, Esq.  
Patton Boggs LLP,  
2550 M Street, NW  
Washington, DC 20037

Fax: (202) 457 - 6315

RE: MUR 6219  
Kuhl for Congress and  
Sharon Gunsolus, in her official  
capacity as treasurer

Dear Mr. McGinley:

On December 17, 2009, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your clients, Kuhl for Congress and Sharon Gunsolus, in her official capacity as treasurer, in settlement of a violation of 2 U.S.C. § 441i(e)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 110.3(d), a regulation promulgated pursuant to the Act. Accordingly, the Commission has closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1372.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Q. Luckett", is written over a horizontal line.

Roy Q. Luckett  
Attorney

Enclosure:  
Conciliation Agreement

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Kuhl for Congress and ) MUR 6219  
Sharon A. Gunsolus, in her official capacity as treasurer )

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Based on a Commission audit of Kuhl for Congress covering the period May 16, 2003, through December 31, 2004, the Commission found reason to believe that Kuhl for Congress and Sharon A. Gunsolus, in her official capacity as treasurer, violated 2 U.S.C. §§ 441i(e)(1)(A) and 11 C.F.R. § 110.3(d).

NOW THEREFORE, the Commission and Kuhl for Congress and Sharon A. Gunsolus, in her official capacity as treasurer ("Respondents"), having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

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III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. John "Randy" Kuhl, Jr., then a member of the New York State Senate, ran for New York's 29<sup>th</sup> Congressional District seat in the 2004 primary and general elections.

2. Friends for Kuhl was Mr. Kuhl's state campaign committee before it was terminated on August 2, 2005.

3. Kuhl for Congress ("the Federal Committee") is a political committee within the meaning of 2 U.S.C. § 431(4), and is Mr. Kuhl's principal authorized campaign committee.

4. Sharon A. Gunsolus is the treasurer of the Federal Committee. She became treasurer on October 5, 2005, after the events described herein.

5. Transfers of funds or assets from a candidate's campaign committee for a non-federal election to his or her principal campaign committee for a federal election are prohibited. 11 C.F.R. § 110.3(d).

6. Entities directly or indirectly established, financed, maintained, or controlled by or acting on behalf of a candidate are prohibited from receiving funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Act. 2 U.S.C. § 441i(e)(1)(A).

7. While running for federal office, Mr. Kuhl continuously served as a New York State Senator and maintained a campaign committee, Friends for Kuhl ("the State

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Committee”), which accepted contributions and made disbursements relating to that office.

8. In 2003 and 2004, the State Committee paid for expenditures totaling \$22,974 that should have been paid with Federal Committee funds, thus making prohibited in-kind contributions to the Federal Committee. These expenses included advertisements totaling \$150, a professional fee paid to the Federal Committee’s treasurer in the amount of \$8,550, credit card purchases totaling \$258, and \$14,016 in polling costs.

V. Respondents received prohibited in-kind contributions from Friends for Kuhl in 2003 and 2004, in violation of 2 U.S.C. § 441i(e)(1)(A) and 11 C.F.R. § 110.3(d).

VI. Respondents will take the following actions:

1. Respondents will cease and desist from violating 2 U.S.C. § 441i(e)(1)(A), and 11 C.F.R. § 110.3(d).

2. In ordinary circumstances, the Commission would seek a civil penalty based on the violations outlined in this agreement as well as mitigating circumstances. However, based upon representations made by Respondents, including submission of financial documentation, the Commission is taking into account the fact that Respondents have no cash on hand, and have little ability to raise any additional funds. Accordingly, the Commission agrees that no civil penalty will be due. If evidence is uncovered indicating Respondents’ financial condition is not as stated, a total civil penalty of up to Three Thousand Four Hundred Dollars (\$3,400) shall be immediately due, pursuant to 2 U.S.C. § 437g(a)(5)(A).

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3. Respondents agree that if John "Randy" Kuhl, Jr. ever becomes a candidate for federal office, he will hire a treasurer who will attend the first available FEC conference for candidates and candidate committees.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

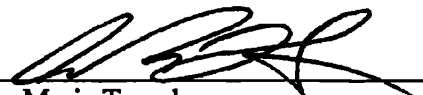
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

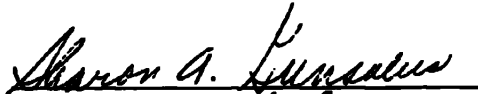
FOR THE COMMISSION:

Thomasenia P. Duncan  
General Counsel

BY:   
Ann Marie Terzaken  
Associate General Counsel  
for Enforcement

12/28/09  
Date

FOR THE RESPONDENTS:

  
(Name) SHARON A. GUNSOLUS  
(Position) TREASURER

11/20/09  
Date

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